



State of Utah

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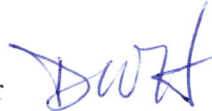
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February 19, 2003

TO: Minerals File

FROM: D. Wayne Hedberg, Permit Supervisor 

RE: Juab County - Levan City Meeting, H.E. Davis Construction, Levan-Steele Gypsum Mine, M/023/016, Juab County, Utah

Date of Meeting: February 18, 2003

Purpose of Meeting: To discuss possible options to help resolve public safety concerns with the haul truck traffic from H.E. Davis Construction's, Levan-Steele Gypsum Mine.

Location of Meeting: County Commissioner's Office in Nephi, Utah and followup onsite inspection of other local access roads adjacent to the Levan-Steele Gypsum Mine.

Time of Meeting: 1:00 p.m. – 4:00 p.m.

Participants: Bob Steele, Neil Cook & Wm. Boyd Howarth (Juab Co. Commissioners); Kay Christofferson (President/CEO – HE Davis) & Tony Christofferson (Manager, Property/Environmental – Clyde Companies Inc.), John Child (Mine Manager, HE Davis); Bob Shephard (Mayor) & Ralph Brooks (Levan City); Bob Garrett (Juab County Road Dept.); Wayne Hedberg & Tom Munson (DOGM).

On February 18, 2003, an informal meeting was held in Nephi, Utah in the City - County Building. The meeting was scheduled by Bob Garrett with the County Commissioner's to provide a forum to discuss the public safety concerns raised over H.E. Davis Construction's current trucking operations and the proposed expansion of their Levan-Steele Gypsum Mine located in Chicken Creek Canyon just east of Levan, Utah. This meeting resulted in response to commitments made during a previous onsite meeting held on February 11, 2002 at the mine site between H.E. Davis Construction, state, federal, county and local officials.

The Division was unaware of the County Commissioner's participation in this meeting prior to entering the commissioner's conference room. Mr. Garrett opened the meeting with a brief introduction of Levan's public safety concerns and the state's permitting issues that

needed to be addressed. Commissioner Steele then proceeded to give his understanding of the mining history that had taken place in Chicken Creek Canyon since the early 1900's and what the mining company's rights were under the federal mining laws. He also brought up the fact that Levan receives about \$40,000 annually to maintain all its county roads including the road accessing Chicken Creek Canyon. The Mayor of Levan explained that the city would receive those road maintenance funds whether the gypsum mines were there or not. He also stated that the town of Levan received no direct benefit or tax dollars from H.E. Davis Construction's gypsum mining operations.

Maps were produced and a number of different routes were discussed as possible alternatives to reroute the heavy haul truck traffic around the city instead of through the center of town. Discussions also involved the Division's concerns regarding the unsafe condition of the access/haul road accessing and connecting H.E. Davis Construction's two mines located within Chicken Creek Canyon. The two principal alternatives discussed to resolve these concerns involved widening the existing canyon access road, and/or upgrading the older, abandoned mine access road located along the north side of the canyon. Mr. Garrett expressed his preference to pool their resources with the operator and widen the existing road. H.E. Davis representatives said that their contract with the local landowner (Levan Livestock & Land Company?) obligated them to rebuild the older north access road once mine operations began at the upper Chicken Creek -East mine. However, they felt that this contract could be modified if it proved to be in the best interest to upgrade the existing canyon access road instead. Much of the discussion involving upgrading alternate routes for truck haulage involved having to obtain easements or rights-of-way to cross privately owned lands. It was decided that before a preferred alternative could be selected, we would need to have discussions with the landowners to see what options were available and at what cost. Therefore, another meeting was proposed for 10:00 a.m. on February 24, 2003, to regroup with the local landowners at the Levan Town Hall to continue discussions and alternate traffic planning options. Assignments were made regarding making appropriate contacts with the landowners prior to the meeting. The Nephi meeting concluded around 2:30 p.m.

Tony Christofferson asked me if we had received his faxed February 17, 2003 letter committing to shut down further mining and hauling activities from the Chicken Creek Mine until transportation can be done safely. I said we had received the letter before we came down that morning. He also asked if we needed to see the letter that H.E. Davis has been preparing in response to the public comments raised. I said we would appreciate receiving a copy when it is sent.

The mine operator, city and county personnel, and Division staff left the Nephi meeting and headed south to look over the alternative haulage routes discussed during the

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meeting. We met at the Paxton Lane(?) turnoff located on the east side of State Highway 28, a couple miles north of Levan. From there we proceeded to look over the proposed alternatives and discuss the problems or difficulties each one might present. After considering the routes it was decided that one of the best alternatives would involve crossing a section of Utah Division of Wildlife Resources land. Although an existing road crosses the land that the public uses periodically, an easement or right-of-way agreement may be required to upgrade the road to allow truck passage. Therefore, it was decided that a DWR representative would need to be invited to participate at the February 24th meeting in Levan.

At the end of the field visit, I informed Mayor Shephard that the Division would be sending a response letter out to him and the other local residents who provided comments on our tentative approval notice by tomorrow. I also committed to contact the appropriate Division of Wildlife Resource personnel to see if they could send someone to the proposed meeting at the Town Hall next Monday morning. The field tour ended around 4:00 p.m.

jb

cc: Kay Christofferson, HE Davis Construction
Bob Shephard – Mayor of Levan
Bob Garrett – Juab Co. Road Dept.

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